

1999 DRAFTING REQUEST

Bill

Received: **03/23/1999**

Received By: **champra**

Wanted: **As time permits**

Identical to LRB:

For: **Joan Spillner (608) 266-7746**

By/Representing: **Jason**

This file may be shown to any legislator: **NO**

Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **Employ Pub - employe benefits**
Employ Pub - miscellaneous

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Cancer presumption for certain state employes engage in fire fighting activities

Instructions:

Include DMA employees who are crash and fire rescue specialists and DNR employees who are fire suppression personnel under cancer presumption law

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	champra 04/01/1999	jgeller 04/01/1999	martykr 04/06/1999	_____	lrb_docadmin 04/06/1999		State Retire
/2	champra 07/19/1999	jgeller 07/20/1999	mclark 07/20/1999	_____	lrb_docadmin 07/20/1999		S&L Retire
/3	champra 07/21/1999	jgeller 07/21/1999	mclark 07/22/1999	_____	lwilliam 07/22/1999	lrb_docadmin	S&L Retire
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				_____	08/02/1999		

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Page 2

FE Sent For:

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/1	champra 04/1/99	ygeller 04/1/99	martykr 04/6/99	_____	lrb_docadmin 04/6/99		State Retire
/2	champra 07/19/99	ygeller 07/20/99	mclark 07/20/99	_____	lrb_docadmin 07/20/99		S&L Retire
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/1	champra 04/1/99	ygeller 04/1/99	martykr 04/6/99	_____	lrb_docadmin 04/6/99		State Retire
/2	champra 07/19/99	ygeller 07/20/99	mclark 07/20/99	_____	lrb_docadmin 07/20/99		S&L Retire

13 7/21 yg MRC 7/22 MRC/JF 7/22

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1/2 7/20 jlg MRC MRC/JF
7/20 7/20

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/?	champra	11/4/99 jlg	dm/5	#4 4/5 dm/5			

FE Sent For:

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JLg

1999 BILL

- gen cat
- 1 AN ACT ...; relating to: establishing a presumption for employment-connected
2 disease for certain state employes engaged in fire fighting activities.

Analysis by the Legislative Reference Bureau

Under current law, in any proceeding involving the application by a municipal fire fighter or his or her beneficiary for disability or death benefits, where at the time of death or filing of application for disability benefits the fire fighter had served a total of ~~10~~^{ten} years as a fire fighter and a qualifying medical examination given before the time of his or her joining the fire department showed no evidence of cancer, and where the disability or death is found to be caused by cancer, this finding shall be presumptive evidence that the cancer was caused by his or her employment as a fire fighter. Current law provides that this presumption only applies to cancers affecting the skin, breasts, central nervous system or lymphatic, digestive, hematological, urinary, skeletal, oral or reproductive systems.

This bill extends the coverage of the cancer presumption to state fire fighters. Under the bill, state fire fighters consist of the following groups of state employes:

1. Employes of the department of military affairs who are protective occupation participants under the Wisconsin retirement system (WRS) and who engage in crash and fire rescue activities.
2. Employes of the department of natural resources who are protective occupation participants under the WRS and who engage in fire suppression activities.

This bill will be referred to the joint survey committee on retirement systems for a detailed analysis, which will be printed as an appendix to this bill.

BILL

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fix component
① →

renumbered 891.455(1)(intro.)
and

SECTION 1. 891.455 (1) of the statutes is amended to read:

891.455 (1) In this section, "municipal:

(a) "Municipal fire fighter" means a municipal fire fighter who is covered under s. 891.45 and any person under s. 61.66 whose duties as a fire fighter during the 10-year qualifying period specified in sub. (2) took up at least two-thirds of his or her working hours.

History: 1997 a. 173

SECTION 2. 891.455 (1) (b) of the statutes is created to read:

891.455 (1) (b) "State fire fighter" means any of the following:

1. An employe of the department of military affairs who is a protective occupation participant, as defined in s. 40.02 (48), and who engages in crash and fire rescue activities.

2. An employe of the department of natural resources who is a protective occupation participant, as defined in s. 40.02 (48), and who engages in fire suppression activities.

SECTION 3. 891.455 (2m) of the statutes is created to read:

891.455 (2m) Beginning with applications submitted by a state fire fighter or his or her beneficiary on the effective date of this subsection [revisor inserts date], in any proceeding involving an application by a state fire fighter or his or her beneficiary for disability or death benefits under s. 40.65 (2), where at the time of death or filing of application for disability benefits the deceased or disabled state fire fighter had served a total of 10 years as a state fire fighter and a qualifying medical

BILL

1 examination given prior to the time of his or her beginning state employment as a
2 state fire fighter showed no evidence of cancer, and where the disability or death is
3 found to be caused by cancer, such finding shall be presumptive evidence that the
4 cancer was caused by such employment.

5 (END)

define

891.455 Presumption of employment-connected disease; cancer. (1) In this section, "state, county or municipal fire fighter" means a ~~municipal~~ fire fighter who is covered under s. 891.45 and any person under s. 61.66 whose duties as a fire fighter during the 10-year qualifying period specified in sub. (2) took up at least two-thirds of his or her working hours.

(2) Beginning with applications submitted by a state, county or municipal fire fighter or his or her beneficiary on May 12, 1998, in any proceeding involving an application by a state, county or municipal fire fighter or his or her beneficiary for disability or death benefits under ~~s. 66.191, 1981 stats.~~ or s. 40.65(2) or any pension or retirement system applicable to fire fighters, where at the time of death or filing of application for disability benefits the deceased or disabled ~~municipal~~ fire fighter had served a total of 10 years as a state, county or municipal fire fighter and a qualifying medical examination given prior to the time of his or her joining the department showed no evidence of cancer, and where the disability or death is found to be caused by cancer, such finding shall be presumptive evidence that the cancer was caused by such employment.

(3) The presumption under sub. (2) shall only apply to cancers affecting the skin, breasts, central nervous system or lymphatic, digestive, hematological, urinary, skeletal, oral or reproductive systems.

891.45 Presumption of employment connected disease. In any proceeding involving the application by a state, county or municipal fire fighter or his or her beneficiary for disability or death benefits under ~~s. 66.191, 1981 stats.,~~ ~~or~~ s. 40.65(2) or any pension or retirement system applicable to fire fighters, where at the time of death or filing of application for disability benefits the deceased or disabled fire fighter had served a total of 5 years as a fire fighter and a qualifying medical examination given prior to the time of his or her joining the department showed no evidence of heart or respiratory impairment or disease, and where the disability or death is found to be caused by heart or respiratory impairment or disease, such finding shall be presumptive evidence that such impairment or disease was caused by such employment. In this section, "state, county or municipal fire fighter" includes any person designated as primarily a fire fighter under s. 61.66(2) and any person under s. 61.66 whose duties as a fire fighter during the 5-year qualifying period took up at least two-thirds of his or her working hours.



RM has been
run

1999 BILL

gen cat

1 AN ACT to renumber and amend 891.455 (1); and to create 891.455 (1) (b) and
 2 891.455 (2m) of the statutes; relating to: establishing a presumption for
 3 employment-connected disease for ~~certain state employees engaged in fire~~
 4 fighting activities. *state and county fire fighters*

Analysis by the Legislative Reference Bureau

Under current law, in any proceeding involving the application by a municipal fire fighter or his or her beneficiary for disability or death benefits, where at the time of death or filing of application for disability benefits the fire fighter had served a total of ten years as a fire fighter and a qualifying medical examination given before the time of his or her joining the fire department showed no evidence of cancer, and where the disability or death is found to be caused by cancer, this finding shall be presumptive evidence that the cancer was caused by his or her employment as a fire fighter. Current law provides that this presumption only applies to cancers affecting the skin, breasts, central nervous system or lymphatic, digestive, hematological, urinary, skeletal, oral or reproductive systems.

This bill extends the coverage of ~~the cancer~~ ^{these} presumption to state ^{and county} fire fighters. Under the bill, state fire fighters consist of the following groups of state employees:

1. Employees of the department of military affairs who are protective occupation participants under the Wisconsin retirement system (WRS) and who engage in crash and fire rescue activities.

Insert
Analysis

BILL

2. Employees of the department of natural resources who are protective occupation participants under the WRS and who engage in fire suppression activities.

This bill will be referred to the joint survey committee on retirement systems for a detailed analysis, which will be printed as an appendix to this bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

WFO-Fix
Component

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 891.455 (1) of the statutes is renumbered 891.455 (1) (intro.) and
2 amended to read:

3 891.455 (1) (intro.) In this section, "municipal:

4 (a) "Municipal fire fighter" means a municipal fire fighter who is covered under
5 s. 891.45 and any person under s. 61.66 whose duties as a fire fighter during the
6 10-year qualifying period specified in sub. (2) took up at least two-thirds of his or
7 her working hours.

8 SECTION 2. 891.455 (1) (b) of the statutes is created to read:

9 891.455 (1) (b) "State fire fighter" means any of the following:

10 1. An employe of the department of military affairs who is a protective
11 occupation participant, as defined in s. 40.02 (48), and who engages in crash and fire
12 rescue activities.

13 2. An employe of the department of natural resources who is a protective
14 occupation participant, as defined in s. 40.02 (48), and who engages in fire
15 suppression activities.

16 SECTION 3. 891.455 (2m) of the statutes is created to read:

17 891.455 (2m) Beginning with applications submitted by a state fire fighter or
18 his or her beneficiary on the effective date of this subsection [revisor inserts date],

BILL

1 in any proceeding involving an application by a state fire fighter or his or her
2 beneficiary for disability or death benefits under s. 40.65 (2), where at the time of
3 death or filing of application for disability benefits the deceased or disabled state fire
4 fighter had served a total of 10 years as a state fire fighter and a qualifying medical
5 examination given prior to the time of his or her beginning state employment as a
6 state fire fighter showed no evidence of cancer, and where the disability or death is
7 found to be caused by cancer, such finding shall be presumptive evidence that the
8 cancer was caused by such employment.

9

(END)

Insert ✓
3-9

Insert Analysis:

In addition, under current law, in any proceeding involving the application by a municipal fire fighter or his or her beneficiary for disability or death benefits, where at the time of death or filing of application for disability benefits the fire fighter had served a total of five[✓] years as a fire fighter and a qualifying medical examination given before the time of his or her joining the fire department showed no evidence of heart or respiratory impairment or disease, and where the disability or death is found to be caused by heart or respiratory impairment or disease, this finding shall be presumptive evidence that the impairment or disease was caused by his or her employment as a fire fighter.

Insert 3-9:

SECTION 1. 891.45 of the statutes is renumbered 891.45 (2)[✓] and amended to read:

891.45 (2) In any proceeding involving the application by a state, county or municipal fire fighter or his or her beneficiary for disability or death benefits under ~~s. 66.191, 1981 stats., or s. 40.65 (2)~~ or any pension or retirement system applicable to fire fighters, where at the time of death or filing of application for disability benefits the deceased or disabled ~~municipal~~[✓] fire fighter had served a total of 5 years as a state, county or municipal fire fighter and a qualifying medical examination given prior to the time of his or her ~~joining the department~~ becoming a state, county or municipal fire fighter showed no evidence of heart or respiratory impairment or disease, and where the disability or death is found to be caused by heart or respiratory impairment or disease, such finding shall be presumptive evidence that such impairment or disease was caused by such employment. ~~In this section, "municipal fire fighter" includes any person designated as primarily a fire fighter under s. 61.66 (2) and any person under s. 61.66 whose duties as a fire fighter during the 5-year qualifying period took up at least two-thirds of his or her working hours.~~[✓]



SECTION 2. 891.45 (1) of the statutes is created to read:

891.45 (1) In this section:

(a) "County fire fighter" means any person employed by a county whose duties primarily include active fire suppression or prevention.

(b) "Municipal fire fighter" includes any person designated as primarily a fire fighter under s. 61.66 (2) and any person under s. 61.66 whose duties as a fire fighter during the 5-year qualifying period took up at least two-thirds of his or her working hours.

(c) "State fire fighter" means any person employed by the state whose duties primarily include active fire suppression or prevention and who is a protective occupation participant, as defined in s. 40.02 (48).

SECTION 3. 891.455 (1) of the statutes is amended to read:

891.455 (1) In this section, "state, county or municipal fire fighter" means a ~~municipal~~ fire fighter who is covered under s. 891.45 and any person under s. 61.66 whose duties as a fire fighter during the 10-year qualifying period specified in sub. (2) took up at least two-thirds of his or her working hours.

History: 1997 a 173.

SECTION 4. 891.455 (2) of the statutes is amended to read:

891.455 (2) ~~Beginning with applications submitted by a municipal fire fighter or his or her beneficiary on May 12, 1998, in~~ In any proceeding involving an application by a state, county or municipal fire fighter or his or her beneficiary for disability or death benefits under s. ~~66.191, 1981 stats.,~~ or s. 40.65 (2) or any pension or retirement system applicable to fire fighters, where at the time of death or filing of application for disability benefits the deceased or disabled ~~municipal~~ fire fighter had served a total of 10 years as a state, county or municipal fire fighter and a



qualifying medical examination given prior to the time of his or her ~~joining the department~~ becoming a state, county or municipal fire fighter showed no evidence of cancer, and where the disability or death is found to be caused by cancer, such finding shall be presumptive evidence that the cancer was caused by such employment.

History: 1997 a. 173.

SECTION 5. Initial applicability.

(1) This act first applies to applications submitted by a state, county or municipal fire fighter in any proceeding involving an application by a state, county or municipal fire fighter or his or her beneficiary for disability or death benefits.

(end ins 3-9)



(D-Note)
State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2584/2 3

RAC:jlg:mrc

Seam
1999 BILL

*RM has
been run*

Regen

1 AN ACT *to renumber and amend* 891.455 (1); and *to create* 891.455 (1):(b) and
2 891.455 (2m) of the statutes; **relating to:** establishing a presumption for
3 employment-connected disease for state and county fire fighters.

Analysis by the Legislative Reference Bureau

Under current law, in any proceeding involving the application by a municipal fire fighter or his or her beneficiary for disability or death benefits, where at the time of death or filing of application for disability benefits the fire fighter had served a total of ten years as a fire fighter and a qualifying medical examination given before the time of his or her joining the fire department showed no evidence of cancer, and where the disability or death is found to be caused by cancer, this finding shall be presumptive evidence that the cancer was caused by his or her employment as a fire fighter. Current law provides that this presumption only applies to cancers affecting the skin, breasts, central nervous system or lymphatic, digestive, hematological, urinary, skeletal, oral or reproductive systems.

In addition, under current law, in any proceeding involving the application by a municipal fire fighter or his or her beneficiary for disability or death benefits, where at the time of death or filing of application for disability benefits the fire fighter had served a total of five years as a fire fighter and a qualifying medical examination given before the time of his or her joining the fire department showed no evidence of heart or respiratory impairment or disease, and where the disability or death is found to be caused by heart or respiratory impairment or disease, this finding shall be presumptive evidence that the impairment or disease was caused by his or her employment as a fire fighter.

BILL

This bill extends the coverage of these presumptions to state and county fire fighters.

This bill will be referred to the joint survey committee on retirement systems for a detailed analysis, which will be printed as an appendix to this bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 891.45 of the statutes is renumbered 891.45 (2) and amended to
2 read:

3 891.45 (2) In any proceeding involving the application by a state, county or
4 municipal fire fighter or his or her beneficiary for disability or death benefits under
5 ~~s. 66.191, 1981 stats., or s. 40.65 (2)~~ or any pension or retirement system applicable
6 to fire fighters, where at the time of death or filing of application for disability
7 benefits the deceased or disabled ~~municipal~~ fire fighter had served a total of 5 years
8 as a state, county or municipal fire fighter and a qualifying medical examination
9 given prior to the time of his or her ~~joining the department~~ becoming a state, county
10 or municipal fire fighter showed no evidence of heart or respiratory impairment or
11 disease, and where the disability or death is found to be caused by heart or
12 respiratory impairment or disease, such finding shall be presumptive evidence that
13 such impairment or disease was caused by such employment. ~~In this section,~~
14 ~~“municipal fire fighter” includes any person designated as primarily a fire fighter~~
15 ~~under s. 61.66 (2) and any person under s. 61.66 whose duties as a fire fighter during~~
16 ~~the 5-year qualifying period took up at least two-thirds of his or her working hours.~~

17 **SECTION 2.** 891.45 (1) of the statutes is created to read:

18 891.45 (1) In this section:

BILL

1 (a) "County fire fighter" means any person employed by a county whose duties
2 primarily include active fire suppression or prevention.

3 (b) "Municipal fire fighter" includes any person designated as primarily a fire
4 fighter under s. 61.66 (2) and any person under s. 61.66 whose duties as a fire fighter
5 during the 5-year qualifying period took up at least two-thirds of his or her working
6 hours.

7 (c) "State fire fighter" means any person employed by the state whose duties
8 primarily include active fire suppression or prevention and who is a protective
9 occupation participant, as defined in s. 40.02 (48).

10 **SECTION 3.** 891.455 (1) of the statutes is amended to read:

11 891.455 (1) In this section, "~~state, county or~~ municipal fire fighter" means a
12 ~~municipal~~ fire fighter who is covered under s. 891.45 and any person under s. 61.66
13 whose duties as a fire fighter during the 10-year qualifying period specified in sub
14 (2) took up at least two-thirds of his or her working hours.

15 **SECTION 4.** 891.455 (2) of the statutes is amended to read:

16 891.455 (2) ~~Beginning with applications submitted by a municipal fire fighter~~
17 ~~or his or her beneficiary on May 12, 1998, in~~ In any proceeding involving an
18 application by a state, county or municipal fire fighter or his or her beneficiary for
19 disability or death benefits under s. ~~66.191, 1981 stats.,~~ or s. 40.65 (2) or any pension
20 or retirement system applicable to fire fighters, where at the time of death or filing
21 of application for disability benefits the deceased or disabled ~~municipal~~ fire fighter
22 had served a total of 10 years as a state, county or municipal fire fighter and a
23 qualifying medical examination given prior to the time of his or her ~~joining the~~
24 ~~department~~ becoming a state, county or municipal fire fighter showed no evidence
25 of cancer, and where the disability or death is found to be caused by cancer, such

BILL

1 finding shall be presumptive evidence that the cancer was caused by such
2 employment.

3 **SECTION 5. Initial applicability.**

*or his or her
beneficiary*

4 (1) This act first applies to applications submitted by a state, county or
5 municipal fire fighter in any proceeding involving an application by a state, county
6 or municipal fire fighter or his or her beneficiary for disability or death benefits.

7 (END)

*shall take effect on the
effective date
of this
subsection ✓*

D-Note

FP This version of the draft changes the
Initial applicability section; otherwise, everything
else remains the same.

RAC

10

...
 ...
 ...
 ...
 ...

10

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2584/3dn
RAC;jlg:mrc

July 22, 1999

This version of the draft changes the initial applicability section; otherwise, everything else remains the same.

Richard A. Champagne
Legislative Attorney
Phone: (608) 266-9930
E-mail: Rick.Champagne@legis.state.wi.us

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 7/22/99

To: Representative Spillner

Relating to LRB drafting number: LRB-2584

Topic

Cancer presumption for certain state employes engage in fire fighting activities

Subject(s)

Employ Pub - employe benefits, Employ Pub - miscellaneous

1. **JACKET** the draft for introduction

in the **Senate** _____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Richard A. Champagne, Legislative Attorney
Telephone: (608) 266-9930